

ASSEMBLY BILL

No. 478

Introduced by Assembly Member Chesbro

February 24, 2009

An act to amend Section 38562 of the Health and Safety Code, relating to greenhouse gas emissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 478, as introduced, Chesbro. Greenhouse gas emissions: solid waste.

Existing law, the California Global Warming Solutions Act of 2006, requires the State Air Resources Board to adopt greenhouse gas emissions limits and emission reduction measures by regulation. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020.

This bill would require the state board to consult with the California Integrated Waste Management Board in developing the regulations to include rules for the reduction of greenhouse gas emissions from solid waste reduction and recycling.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Since the enactment of the California Integrated Waste
- 4 Management Act of 1989 (Division 30 (commencing with Section

1 40000) of the Public Resources Code), an extensive material
2 collection and recycling infrastructure has been created, resulting
3 in the achievement of a statewide diversion rate beyond 50 percent
4 and the reduction of three million metric tons of carbon dioxide.

5 (b) All solid waste should be properly managed in order to
6 minimize the generation of waste, maximize the diversion of solid
7 waste from landfills, and manage all solid waste to its highest and
8 best use, in accordance with the waste management hierarchy and
9 in support of the California Global Warming Solutions Act of
10 2006.

11 (c) A comprehensive array of solid waste diversion programs
12 will result in an actual reduction in disposal tonnage and
13 greenhouse gas emissions.

14 (d) Although the state now leads the nation in solid waste
15 reduction and recycling, the state continues to dispose of more
16 than 40 million tons of solid waste each year, which is more than
17 the national average on a per capita basis. Additional efforts must
18 be undertaken to divert more solid waste from disposal in order
19 to reduce the production of greenhouse gas emissions statewide.

20 (e) The anaerobic decomposition of solid waste in landfills
21 produces methane, a greenhouse gas 21 times more potent than
22 carbon dioxide.

23 (f) Greenhouse gas emissions can be substantially reduced by
24 properly managing all materials to minimize the generation of
25 waste, maximizing the diversion of solid waste from landfills, and
26 capturing methane emissions to be put to their highest and best
27 use.

28 (g) Reducing waste and materials at the source of generation,
29 increased use of compost to benefit soils, coupled with increased
30 recycling and extended producer responsibility, have the potential
31 to reduce emissions, both within the state and within the connected
32 global economy.

33 (h) According to the State Air Resources Board's Climate
34 Change Scoping Plan, further implementation of aggressive high
35 recycling and source reduction measures has the potential to offset
36 as much as nine million metric tons of carbon dioxide by 2020.

37 SEC. 2. Section 38562 of the Health and Safety Code is
38 amended to read:

39 38562. (a) On or before January 1, 2011, the state board shall
40 adopt greenhouse gas emission limits and emission reduction

1 measures by regulation to achieve the maximum technologically
2 feasible and cost-effective reductions in greenhouse gas emissions
3 in furtherance of achieving the statewide greenhouse gas emissions
4 limit, to become operative beginning on January 1, 2012.

5 (b) In adopting regulations pursuant to this section and Part 5
6 (commencing with Section 38570), to the extent feasible and in
7 furtherance of achieving the statewide greenhouse gas emissions
8 limit, the state board shall do all of the following:

9 (1) Design the regulations, including distribution of emissions
10 allowances where appropriate, in a manner that is equitable, seeks
11 to minimize costs and maximize the total benefits to California,
12 and encourages early action to reduce greenhouse gas emissions.

13 (2) Ensure that activities undertaken to comply with the
14 regulations do not disproportionately impact low-income
15 communities.

16 (3) Ensure that entities that have voluntarily reduced their
17 greenhouse gas emissions prior to the implementation of this
18 section receive appropriate credit for early voluntary reductions.

19 (4) Ensure that activities undertaken pursuant to the regulations
20 complement, and do not interfere with, efforts to achieve and
21 maintain federal and state ambient air quality standards and to
22 reduce toxic air contaminant emissions.

23 (5) Consider cost-effectiveness of these regulations.

24 (6) Consider overall societal benefits, including reductions in
25 other air pollutants, diversification of energy sources, and other
26 benefits to the economy, environment, and public health.

27 (7) Minimize the administrative burden of implementing and
28 complying with these regulations.

29 (8) Minimize leakage.

30 (9) Consider the significance of the contribution of each source
31 or category of sources to statewide emissions of greenhouse gases.

32 (c) In furtherance of achieving the statewide greenhouse gas
33 emissions limit, by January 1, 2011, the state board may adopt a
34 regulation that establishes a system of market-based declining
35 annual aggregate emission limits for sources or categories of
36 sources that emit greenhouse gas emissions, applicable from
37 January 1, 2012, to December 31, 2020, inclusive, that the state
38 board determines will achieve the maximum technologically
39 feasible and cost-effective reductions in greenhouse gas emissions,
40 in the aggregate, from those sources or categories of sources.

1 (d) Any regulation adopted by the state board pursuant to this
2 part or Part 5 (commencing with Section 38570) shall ensure all
3 of the following:

4 (1) The greenhouse gas emission reductions achieved are real,
5 permanent, quantifiable, verifiable, and enforceable by the state
6 board.

7 (2) For regulations pursuant to Part 5 (commencing with Section
8 38570), the reduction is in addition to any greenhouse gas emission
9 reduction otherwise required by law or regulation, and any other
10 greenhouse gas emission reduction that otherwise would occur.

11 (3) If applicable, the greenhouse gas emission reduction occurs
12 over the same time period and is equivalent in amount to any direct
13 emission reduction required pursuant to this division.

14 (e) The state board shall rely upon the best available economic
15 and scientific information and its assessment of existing and
16 projected technological capabilities when adopting the regulations
17 required by this section.

18 (f) The state board shall consult with the Public Utilities
19 Commission in the development of the regulations as they affect
20 electricity and natural gas providers in order to minimize
21 duplicative or inconsistent regulatory requirements.

22 (g) *The state board shall consult with the California Integrated*
23 *Waste Management Board in the development of the regulations*
24 *to include rules for the reduction of greenhouse gas emissions*
25 *from solid waste reduction and recycling.*

26 ~~(g)~~

27 (h) After January 1, 2011, the state board may revise regulations
28 adopted pursuant to this section and adopt additional regulations
29 to further the provisions of this division.